IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12014 of 2005

Between:

T.Bazarappa, s/o. Ramappa,
Kokat Village, Yalal Mandal,
R.R.District.

..... PETITIONER

AND

1 The District Collector (Pt.Wing),
R.R.District.
2 The Commissioner , Panchayat Raj, Hindi Hall Line,
Himayathnagar , Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings of the 1st Respondent vide proceedings No.B2/2116/2004 dt.21.04.2005 as illegal, arbitrary and violative of principles of natural justice and consequently set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.U.RAMANJANEYULU

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following :

ORDER:

This writ petition is filed against the proceedings No.B2/2116/2004, dated 21-04-2005, of the 1st respondent- District Collector, Ranga Reddy District, as illegal, arbitrary and violative of principles of natural justice and consequently set aside the same.

The petitioner also filed an appeal dated 02-05-2005 before the 2nd respondent. Pending consideration of the appeal, the present writ petition has been filed contending that before passing the order of removal by the 1st respondent, the material which he relied on is not supplied and a detailed explanation submitted by him was not considered by the authority before passing the impugned order and, therefore, the impugned order is liable to be set-aside.

Considering the facts and circumstances of the case, the petitioner has rightly approached the appellate authority provided under the Act. Therefore, the petitioner is entitled to raise all these contentions before the appellate authority for its consideration. Therefore, I do not see any reason to entertain this writ petition. However, the appellate authority is directed to dispose of the appeal within a period of four weeks from the date of receipt of a copy of this order in accordance with law after affording opportunity to the petitioner.

The writ petition is accordingly dismissed. No order as to costs.

09-06-2005 ELIPE DHARMA RAO,J

Prv/Stp

To

1 The District Collector (Pt.Wing),
R.R.District.
2 The Commissioner , Panchayat Raj, Hindi Hall Line,
Himayathnagar , Hyderabad

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